

S.O.P. #37
June 21, 1988
Revised: November 29, 2017
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I. **SUBJECT**

Detective Division and Homicide Detail Response to Officer Involved Shootings, Officer Use of Deadly Physical Force, and In-Custody Deaths

II. **PURPOSE**

To establish notification procedures and to provide guidelines for responding to officer involved shootings, use of deadly physical force, and in-custody deaths, as directed in Directive 1010.10 (Post Deadly Force Procedures)

III. **PROCEDURE**

When an Officer Involved Shooting, Use of Deadly Physical Force, or in-custody deaths occur, the following procedure will be followed:

- A. Standard notifications of the on-call Homicide Detail Sergeant and on-call Homicide Up-team will occur. The Homicide Detail Sergeant and Up-Team will be called on all officer involved shootings (that are not for the destruction of an animal) regardless if anyone was hit. They will also be called on all officer involved uses of deadly force and in-custody deaths. The appropriate notifications will be made by the Homicide Detail Sergeant. Deadly force investigations will be led by the Homicide Sergeant.
 - 1. On-duty Sergeants and Detectives will respond along with the on-call Homicide Sergeant and Homicide Up-team, if additional resources are needed. An additional Sergeant (On-deck Homicide Sergeant, another detail Sergeant) shall be requested to respond to the scene to support the primary Homicide Sergeant. On-call Crime Scene and Support Detectives will also respond directly to the scene. The first arriving Sergeants or Detectives will:
 - a. Secure and preserve the integrity of the primary crime scene, if not already accomplished by uniform personnel.
 - b. Establish a restricted area for involved officers, witness officers, support personnel (i.e. TIC, PPA, IA), and the investigative teams. Officers that have been identified as Involved/Witness members are to remain within the restricted area. The Homicide Sergeant can approve the release from the area. Involved/Witness members will be allowed one representative of their choice at a time within the restricted area. (i.e. PPA Rep. EAP, TIC).

- c. Ensure involved and witness members are separated. If the number of officers to be separated is so great as to be impractical a supervisor or detective shall be posted to ensure that no communication regarding the incident takes place.
 - d. Separate citizen witnesses, and if necessary post an Officer/Detective with them to ensure they are not discussing the event with other witnesses. Request that they voluntarily remain on scene until a recorded interview can be conducted by detectives.
 - e. Coordinate with uniform to obtain a comprehensive list of all witnesses contacted. If a witness cannot stay on scene, coordinate for uniform to obtain contact information and a preliminary statement if detectives are not available.
2. The Homicide Detail Sergeant will ensure notification of:
- a. Up-Team, Crime Scene Team, Support Team, and the on-deck Homicide Sergeant/Support Sergeant
 - b. District Attorney
 - c. Homicide Lieutenant
 - d. Commander, if unable to make personal contact with the Lieutenant (The Commander will notify the Assistant Chief)
 - e. Forensic Evidence Division (Criminalists)
 - f. Medical Examiner (if needed)
 - g. East County Major Crimes Team
 - h. Other notifications as required
3. Involved officers, unless injured, will remain at the scene, unless the officers' demeanor, emotional status, or safety dictates the need to be transported to another approved site. The Homicide Detail Sergeant in consultation with PSD and the DA, per 1010.10 can approve the release from the scene.
- B. Homicide Detail Sergeant Responsibilities: Utilize Homicide Supervisor's Checklist (Appendix A)
- 1. Ensure above notifications have been completed.

2. Coordinate and assume the transfer of taking charge of the scene from the Operations supervisor. The Homicide Sergeant may delegate one of the first arriving detectives to take charge of the scene, until their arrival.
3. Assume responsibility for the crime scene and supervision of the entire investigation, to include assigning, directing and coordinating follow-up work by the detectives.
4. Coordinate the processing of the scene with the Forensic Evidence Division.
5. Coordinate with Uniform Sergeant(s), and other investigative teams, any work that needs to be done for the investigation.
6. Obtain the medical status and/or verify the extent of injury or death to any person or officer. If a criminal suspect is hospitalized, ensure the proper precinct is notified to provide security of the suspect to the extent necessary. Ensure the seizure and receipt of clothing as evidence from any injured or deceased person, if necessary.
7. Ensure the identification of all of medical personnel (i.e. AMR and Fire Bureau) responding to the scene, is obtained.
8. Ensure that an ammunition count down of the involved member's weapon(s) has been completed and that a replacement weapon from Training Division is provided, if necessary.
9. Ensure Communications Restrictions Orders are issued in accordance with Directive 1010.10.
10. Ensure an on-scene briefing (walk-through) is conducted by detectives with witness officers, and, with involved officers, if they voluntarily provide an on-scene briefing/walk-through, to determine the following;
 - The entire scene is captured and cordoned off with red crime scene tape
 - Positions of officers and any pertinent individuals involved are identified
 - Evidence is identified and secured
 - Field of fire from officers and any other individuals firing a weapon is determined
 - The accounting of all rounds fired from officers and any other individuals through the number of casings, impact points, and trajectory analysis.
 - Witnesses and/or additional injured individuals are located
11. Ensure information is being relayed to the Chief (thru channels), the PIO, and the PSD representative.

C. Responsibility of Up-Team Homicide Detectives:

1. It is the responsibility of the Primary Detectives to conduct a thorough and unbiased investigation into the use of deadly force, including what led up to the incident, the incident itself, and actions of members after the incident.
2. The Primary Detectives shall be the primary source of all investigative information and shall not become involved in extraneous interviews, neighborhood canvassing, scene processing, etc.
3. The Primary Detectives will attempt to obtain timely interviews with all involved.

4. Detectives will ask involved members to participate in a voluntary interview and walk-through. The request, date and time, and verbatim response of the members will be noted in the Detective's report.
 5. Detectives will identify who the involved members have spoken to regarding the incident.
 6. Attend the autopsy.
 7. Detectives will prepare a completed case notebook, ready for distribution, no later than 30 days following a Grand Jury vote. If no Grand Jury is convened, the completed case notebook, ready for distribution, will be completed no later than 30 days following this decision. The following exceptions may cause a delay in the 30 day completion of the case notebook;
 - Testing and/or results of evidence submitted have not been completed.
 - Reports have not been completed (i.e. autopsy and toxicology reports, outside agency reports)
 - A pending criminal case may be connected with the use of deadly force, which may cause a delay due to the prosecution of the case.
 8. Detectives will prepare a presentation utilizing PowerPoint software for presentation to the Police Review Board.
- D. Responsibility of Crime Scene Detectives and support investigators as directed by the Homicide Sergeant:
1. Processing physical evidence at the scene.
 2. Prepare a diagram of the scene.
 3. Assist in interviews of sworn and civilian witnesses as identified. (All interviews should be recorded).
 4. Attend all investigative meetings.
- E. Guidelines for interviews of witness/involved members involved in shootings, use of deadly physical force, and in-custody deaths.
1. On-scene briefing
 - a. The on-scene briefing is a brief overview of the incident given to detectives for the purpose of accurately processing the scene. An on-scene briefing may include but would not be limited to, the identification of crime scene(s), the identification of other members present, the identification of potential witnesses, and the identification of evidence at the crime scene(s).
 2. Public Safety Statement

Confirm whether the on-scene supervisor directed the involved member to give a public safety statement. If a public safety statement from the involved member was provided, the supervisor will be advised to only share

information learned independently, via radio, MDC, witness officers, civilian witnesses, for purposes of the on-scene briefing. The supervisor will not disclose facts learned from the public safety statement of the involved member with anyone outside of PSD, unless not doing so poses a significant public safety risk.

3. Involved Officer Information

- a. The primary investigator will request a voluntary statement and on-scene walk-through from the involved member.
- b. Allow time for personal considerations.
- c. The involved member(s) will be afforded the benefits of the current collective bargaining agreement throughout the investigation. They will be provided time to discuss the incident with his/her union representative, and private attorney.
- d. Detectives will utilize the attached interview checklist (Appendix B) and ensure all relevant questions are asked. Investigators will take time to meet with Detective Command Staff to discuss interview questions and issues prior to interviewing the involved members.
- e. If the involved member agrees to provide a voluntary statement and/or on-scene walk through, the detective shall conduct a complete and thorough interview/walk through of involved members to ensure all applicable information is obtained
- f. Detective Division personnel understands that the scope of the on scene briefing and/or interview may be limited on the advice of counsel
- g. If the involved member declines to provide a voluntary statement and on-scene walk through, the detective shall not compel a statement or walk through
- h. Explain the investigative process to the involved member (after consulting with the involved members' attorney).
- i. The Homicide Lieutenant or their designee will issue a Communications Restriction Order to the involved/witness officers and any other individuals deemed appropriate.

4. Witness Officer Information

- a. Witness members will conduct an on-scene walk through with detectives as well as provide an interview per 1010.10
- b. Explain the investigative process to the witness member

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5. Post Interview

- a. Ask that the officers re-contact detectives should they recall additional information.
- b. Explain judicial process to the officer (Grand Jury).

6. Other Responsibilities

- a. Conduct interviews of other officers or civilian witnesses
- b. Transcribe (when appropriate) all pertinent reports and interviews

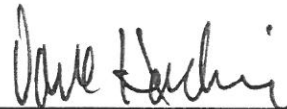
F. PSD will run a concurrent, but independent administrative investigation of the OIS. The Investigative Branch is responsible for sharing all information from the criminal investigation with investigators from PSD in order to assist in the administrative investigation. In order to ensure both the criminal and administrative investigations are kept separate, members of the Investigative Branch will not participate in or solicit information regarding the facts learned from the administrative investigation. If a member inadvertently learns facts from the administrative investigation, this disclosure will be immediately reported to both Detective Division and PSD Command.

IV. REFERENCES

Directive 1010.10 – Post Deadly Force Procedures
Communications Restrictions Orders & Rescindment Orders

V. APPENDIX

Appendix A – Homicide Supervisor's Checklist (Officer-Involved Shooting)
Appendix B – Officer Involved Use of Deadly Force/In-Custody Death Outline/Checklist
Appendix C – Witness Officer Outline/Checklist



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